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SK
Ct. No. 18
05.08.2021

**C.O. No. 4 of 2021
(Via Video Conference)**

**Smt. Shreyasi Nag Dutta
Vs.**

Sri Sudip Kumar Dutta

Mr. Sarbananda Sanyal ... For the petitioner.

Mr. Kallol Kumar Basu,
Md. Jannat Ul Firdous ... For the opposite party.

The wife/respondent in a matrimonial suit being Matrimonial Suit No. 736 of 2019 filed by the husband/opposite party for dissolution of marriage between the petitioner and opposite party by a decree of divorce is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The said matrimonial suit is pending before the Court of learned Additional District Judge at Asansol, District-Paschim Bardhaman.

The wife/petitioner by the present application is seeking withdrawal of the said matrimonial suit from the Court where it is now pending and for transfer of it to any Court competent to try and dispose it of under the Judgeship of learned District Judge, Hooghly at Chinsurah on the ground that the petitioner is residing at Mogra, District Hooghly with her minor son of two and half years, as such, it is difficult for her to travel for five hours to attend the Court of learned Additional District Judge at Asansol to contest the said matrimonial suit.

Comparative hardship in prosecuting and defending the said matrimonial suit weighs in favour of the wife/

petitioner, therefore, the prayer of the petitioner deserves to be allowed.

Let the Matrimonial suit no. 736 of 2019 be withdrawn from the file of the Court of learned Additional District Judge at Asansol, District-Paschim Bardhaman and be transferred to the Court of learned District Judge, Hooghly at Chinsurah for trial and disposal.

The Learned District Judge, Hooghly at Chinsurah shall either keep the said suit in his own file or shall transfer it to any court under his Judgeship competent to try and dispose of the said suit.

The transferee Court shall proceed with the suit from the point at which it has already reached. The wife/petitioner shall not cause any unnecessary delay in disposal of the said suit.

Since no affidavit has been invited from the husband/opposite party, the allegations made in the application are deemed to have been denied by him.

C.O. 4 of 2021 is thus allowed without any order as to costs.

The department is directed to communicate this order immediately to the Court of learned Additional District Judge at Asansol, District-Paschim Bardhaman.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)